

### **REMARKS/ARGUMENTS**

The rejections presented in the Office Action dated March 20, 2006 (hereinafter Office Action) have been considered. Claims 1-21 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1-21 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,720,860 to Narayanaswami. Applicant respectfully traverses the rejection because the asserted reference fails to teach each of the claimed limitations. For example, Narayanaswami does not teach deactivating a lock state using images that have at least one predetermined point, as claimed. The instant Specification discusses a predetermined point as being a given point on an image that when touched is used to deactivate a lock state. *See, e.g.*, paragraph [0022]. In contrast, Narayanaswami teaches using a sequence of pictures as a password where any portion of a picture may be touched - processing whole images. The relied upon description of Fig. 6a indicates that multiple pictures are flashed on a display and a user must touch the appropriate picture when it is visible. The cited portion at column 9, lines 1-5, makes no mention of the claimed predetermined points on an individual image. It merely teaches that a user must tap the screen at the location of the displayed image (triangle), not at a predetermined point on the image of the triangle. Moreover, the assertion that each shape 425 has four predetermined points is unsupported. Narayanaswami is silent as to triangle 425 having any predetermined points, as claimed. Narayanaswami also teaches that a display may have four sensitive touch regions 450 where images may be displayed. However, these images, as discussed above, do not include predetermined points, as claimed. Thus, the sensitive touch regions of Narayanaswami do not correspond to the claimed predetermined points because Narayanaswami's display regions include images and are not specific points on an image.

The teachings of Narayanaswami fail to teach or suggest the claimed limitations directed to images having predetermined points. Thus, the asserted reference fails to teach at least displaying one or more images having at least one predetermined point, detecting a touch on a predetermined point in one or more images, and deactivating a device lock state

based upon detection of a predetermined number of touches on successive images including a predetermined point. Narayanaswami also fails to teach the means to perform such steps and a device configured to perform such steps. Without a presentation of correspondence to each of the claimed limitations, the §102(e) rejection is improper, and Applicant requests that it be withdrawn.

Dependent Claims 2-12 and 14-20 depend from independent Claims 1 and 13, respectively, and also stand rejected under 35 U.S.C. §102(e) as being anticipated by Narayanaswami. While Applicant does not acquiesce with the particular rejections to these dependent claims, these rejections are also improper for the reasons discussed above in connection with independent Claims 1 and 13. These dependent claims include all of the limitations of the base claim and any intervening claims and recite additional features which further distinguish these claims from the cited references. Therefore, the rejection of dependent Claims 2-12 and 14-20 is improper.

Moreover, the Office Action fails to present evidence of correspondence between the teachings of Narayanaswami and the instant invention with respect to several of the dependent claims. For example, dependent Claims 4, 6-12, and 16-19 include limitations directed to predetermined points, which the teachings of Narayanaswami fail to correspond to, as discussed above. Some examples are presented below.

With particular respect to the rejection of dependent Claim 7, Applicant traverses. The claim includes limitations directed to an image including more than one predetermined point. However, the Office Action erroneously cites teachings directed to touching a first image, a fourth image, and an eighth image. No correspondence has been asserted or shown to one image including more than one predetermined point. In contrast, the Office Action cites teachings involving multiple images. Without a presentation of correspondence to each of the claimed limitations, the §102(e) rejection is improper and should be withdrawn.

With particular respect to the rejection of dependent Claim 8, Applicant respectfully traverses. The claim includes limitations directed to selecting a predetermined point of an image by means of a predetermined parameter being a date or a day of the week. In an apparent attempt to assert correspondence to these limitations, the Office Action refers to an

icon for launching a calendar application. Applicant fails to recognize any relation between a calendar application and the claimed predetermined parameter for selecting a predetermined point on an image. Without a presentation of correspondence to each of the claimed limitations, the §102(e) rejection is improper and should be withdrawn.

With particular respect to the rejection of dependent Claim 9, Applicant respectfully traverses. The claim includes limitations directed to selecting a predetermined point of an image by means of a predetermined parameter being a user ID registered as the user in the device before the transfer to the lock state. In an apparent attempt to assert correspondence to these limitations, the Office Action refers to sending encrypted code to a watch and resetting a login program. Applicant fails to recognize any relation between resetting a login program and the claimed predetermined parameter for selecting a predetermined point on an image. Without a presentation of correspondence to each of the claimed limitations, the §102(e) rejection is improper and should be withdrawn.

Claims 1-21 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-34 of copending application No. 10/518,220. Applicant appreciates the indication that a double-patenting situation may exist and is willing to address such a situation or rejection once the claims of the instant application or application No. 10/518,220 are deemed allowable.

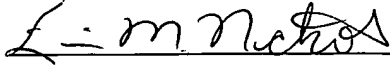
With respect to the reference to 37 C.F.R. §1.78(b) in paragraph 3, Applicant notes that §1.78 is directed to applications that claim the benefit of earlier filing dates and cross-reference other applications. The instant application and application No. 10/518,220 do not claim priority to or cross-reference each other. Applicant fails to recognize the applicability of §1.78(b) to the instant application. Further clarification and the opportunity to respond are respectfully requested.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.052PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact her at the number below to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC  
8009 34<sup>th</sup> Avenue South, Suite 125  
Minneapolis, MN 55425  
952.854.2700

Date: July 20, 2006

By: 

Erin M. Nichols  
Reg. No. 57,125